



CRS Report for Congress

Section 1206 of the National Defense Authorization Act for FY2006: A Fact Sheet on Department of Defense Authority to Train and Equip Foreign Military Forces

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Summary

Section 1206 of the National Defense Authorization Act (NDAA) for FY2006 provides the Department of Defense (DOD) with authority to train and equip foreign military forces. The section authorizes DOD to draw on funds appropriated for operations and maintenance for Section 1206 programs. Thus far, DOD has used Section 1206 authority primarily to provide counterterrorism support. Section 1206 obligations totaled some \$106 million in FY2006 and \$289 million in FY2007. Obligations for FY2008 are in progress. Funds may only be obligated with the concurrence of the Secretary of State.

Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (P.L. 109-163) provides DOD with a new authority to train and equip foreign military forces. The Section 1206 heading states the authority is to build the capacity of foreign military forces; DOD often refers to it as a “Global Train and Equip” authority. This is the first major DOD authority to be used expressly for the purpose of training other military forces. Generally, DOD has trained and equipped foreign military forces through State Department programs. DOD requested its own train and equip authority because it views the planning and implementation processes under which similar State Department security assistance is provided as too slow and cumbersome.¹

¹ The State Department program under which foreign military forces are trained is the International Military Education and Training (IMET) program. Equipment is provided through the State Department Foreign Military Sales (FMS) program. According to DOD, this “traditional security assistance takes three to four years from concept to execution,” while “Global Train and Equip authority allows a response to emergent threats or opportunities in six months or less.” U.S. Department of Defense, *Fiscal Year 2009 Budget Request Summary Justification*, February 4, 2008, p. 103. Hereafter referred to as *FY2009 DOD Summary* (continued...)

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Section 1206 provides the Secretary of Defense with authority to train and equip foreign military forces for two purposes. One is to enable such forces to perform counterterrorism operations. Nearly all Section 1206 assistance to date has been counterterrorism support. Most of that is in the form of equipment provided by contractors, according to information provided by DOD officials. The other purpose is to enable foreign military forces to participate in or to support military and stability operations in which U.S. armed forces participate. (DOD does not use this authority in relation to operations in Iraq and Afghanistan, however, according to DOD officials.) Congress turned down the Administration's request in 2007 to expand the authority to train and equip foreign police forces (see below).

Funding Provisions. Section 1206 of the FY2006 NDAA authorized spending of up to \$200 million per year for FY2006 and FY2007. Section 1206 of the John Warner National Defense Authorization Act for FY2007 (FY2007 John Warner NDAA, P.L. 109-364) amended the original legislation to raise the limit to \$300 million and extend the authority through FY2008.

Section 1206 programs are funded from the DOD operations and maintenance account. During the course of the fiscal year, DOD may transfer funds that it will not use for their originally budgeted purposes to Section 1206 programs. In FY2006, \$106.1 million was obligated for Section 1206 programs; in FY2007, the amount was \$289.2 million. (See table below.) No funds have yet been obligated in FY2008.

Conditions. Section 1206 of the FY2006 NDAA requires that programs conducted under its authority observe and respect human rights, fundamental freedoms, and the "legitimate civilian authority within that country." The authority may not be used to provide any *type* of assistance that is otherwise prohibited by any provision of law. It also may not be used to provide assistance to any *country* that is otherwise prohibited from receiving such assistance under any other provision of law. The legislation also requires a 15-day advance notification to the congressional defense, foreign affairs, and appropriations committees before initiating each program. This notification must specify, among other things, the program country, budget, and completion date, as well as the source and planned expenditure of funds.

Joint DOD-State Department Approval Process. As modified by the FY2007 John Warner NDAA (P.L. 109-364), Section 1206 authority permits the Secretary of Defense to provide such support with the "concurrence" of the Secretary of State. According to DOD and State Department officials, that term has been interpreted to mean the Secretary of State's approval.

Section 1206 requires both secretaries to jointly formulate any program and coordinate in its implementation. Their respective agencies have developed an extensive joint review process that some officials see as a potential model for other assistance programs. According to DOD, Section 1206 programs are developed under a "dual-key" authority (i.e., with the approval of both DOD and Department of State officials). U.S.

¹ (...continued)
Justification.

embassies and the military combatant commands are encouraged to jointly formulate programs, and both parties “must approve each program explicitly in writing.”²

DOD 2007 Request for Expanded Authority. On May 2, 2007, DOD requested that Congress expand Section 1206 authority and codify it at Title 10, Chapter 20, U.S. Code. In its request for a “Building Global Partnerships Act,” DOD requested authority to train and equip not only foreign military forces, but also “other security forces, including gendarmerie, constabulary, internal defense, infrastructure protection, civil defense, homeland defense, coast guard, border protection, and counterterrorism forces....” Among its other provisions related to Section 1206 authority, the request proposed raising the authorized amount for annual spending to \$750 million. It also proposed authority to waive any restrictions applicable to assistance for military and security forces. DOD funds could be used not only by DOD, but also could be transferred to the Department of State or any other federal agency to conduct or support activities. Congress did not act on this request.

DOD FY2009 Request. In its FY2009 budget request of February 4, 2008, DOD asked for \$500 million for Section 1206 capacity-building purposes. Three days later, DOD submitted, as part of its proposed National Defense Authorization Act for FY2009, a request to amend Title 10 Chapter 20 by adding a new section to permit the Secretary of Defense to authorize, with the concurrence of the Secretary of State, programs to build a foreign country’s national military and other forces. These other forces would include “gendarmerie, constabulary, internal defense, infrastructure protection, civil defense, homeland defense, coat guard, border protection, and counterterrorism forces....” The proposal would authorize DOD to use or to transfer to the State Department and other federal agencies up to \$750 million annually. (Section 1301 of the proposed legislation, accessible through [<http://www.dod.mil/dodgc/olc>]). DOD and the State Department would jointly formulate programs; the Secretaries of Defense and State would jointly coordinate implementation. Unlike the 2007 request, this proposed legislation would not itself waive restrictions, but would grant waiver authority to the President and the Secretary of State.

Annual Obligations. The following table provides information on Section 1206 FY2006 and FY2007 programs approved by the DOD and the Department of State. It is compiled from information provided by the Office of the Secretary of Defense for Policy in February 2007. Total program obligations for FY2006 are \$106.4 million, and for FY2007 are \$289.2 million. FY2008 obligations are in progress. Funding for a FY2008 \$7.2 million project in Lebanon has been approved, according to the latest DOD information made available to CRS.

² *FY2009 DOD Summary Justification*, p. 103.

Table 1. Section 1206 Funding: FY2006 and FY2007 Obligations
(\$ U.S. millions, current)

Recipient	Program	FY2006	FY2007	Totals
Africa				
Chad	Light Infantry Rapid Reaction Force Establishment		6.0	8.0
	Tactical Airlift Capacity Training		1.7	
	Tactical Communications Interoperability Aid		0.3	
Djibouti	Maritime Domain Awareness, Response, Interdiction, and Coastal Security Enhancement		8.0	8.0
Ethiopia	East Africa Regional Security Initiative		9.3	9.3
Mauritania	Light Infantry Rapid Reaction Force Establishment		4.5	4.5
Chad, Mauritania, Nigeria and Senegal	Civil-Military Operations Training in Support of the TransSahara Counterterrorism Program		3.4	3.4
Djibouti, Ethiopia, Kenya, Tanzania	East Africa Regional Security Initiative		14.2	14.2
Nigeria and Sao Tome and Principe	Gulf of Guinea Regional Maritime Awareness Capability Aid	6.8		6.8
Chad and Nigeria	Multinational Information-sharing Network Aid	6.2		6.2
Various (Algeria, Niger, Chad, Morocco, Senegal, Mauritania, Nigeria, and Mali)	Partner Nation Intelligence Capability Aid		1.1	1.1
Various (Algeria, Benin, Cameroon, Cape Verde, Republic of the Congo, Gabon, Ghana, Gambia, Guinea, Liberia, Morocco, Mozambique, Senegal, Sierra Leone, and Sao Tome and Principe)	Maritime Domain Awareness and Territorial Water Threat Response Capability Establishment		5.8	5.8
Total Africa		13.0	54.3	67.3
Greater Europe				
Albania	Counterterrorism Capability Aid	—	6.7	6.7
Georgia	Counterterrorism Capability Aid	—	6.5	6.5

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Recipient	Program	FY2006	FY2007	Totals
Kazakhstan	Coalition Counterterrorism and Stability Operations Capacity Aid	—	19.3	19.3
Macedonia	Counterterrorism Capability Aid	—	3.0	3.0
Ukraine	Counterterrorism Capability Aid	—	12.0	12.0
Total Greater Europe		—	47.5	47.5
Asia and the Pacific				
Indonesia	Integrated Maritime Surveillance System	18.4		47.1
	Eastern Fleet Regional Command Center	—	3.8	
	Eastern Fleet Maritime Domain Awareness	—	7.3	
	Celebes Sea and Malacca Strait Network	—	6.1	
	Coastal Surveillance Stations	—	11.5	
Malaysia	Eastern Sabah Maritime Domain Awareness Radars	—	13.6	16.3
	CENTRIX Stations	—	0.5	
	Strait of Malacca Maritime Domain Awareness Support	—	2.2	
Philippines	Maritime Train and Equip for Interdiction Purposes	—	2.9	15.5
	High Frequency Radios for Coast Watch South	—	1.8	
	Maritime Interdiction Capability	—	6.4	
	Interdiction and Offensive Capabilities Improvement (of UH-1 aircraft)	—	4.4	
Sri Lanka	Maritime Security Train and Equip for Interdiction Purposes	11.0	—	18.4
	Aircraft Command and Control Integration	—	6.0	
	Maritime Security and Navy Interdiction Capability	—	1.4	
Thailand	Strategic Sea Lanes Security (Initially funded at \$19.0 million, this program was cancelled after the Thai coup; contracted patrol boats were redirected to Bahrain.)	—	—	0.0
Total Asia and the Pacific		29.4	67.9	97.3

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Recipient	Program	FY2006	FY2007	Totals
Middle East and South Asia				
Bahrain	Patrol Boats	5.3	—	30.2
	Coastal Patrol Capability Development	—	24.5	
	Defense Force Counterintelligence Analysis Center Development	—	0.4	
Lebanon	Military Assistance to Lebanese Armed Forces	10.6	30.6	41.2
Pakistan	Border Area Train and Equip and Marines Train and Equip Aid	27.6	5.7	41.4
	Enhance Shared Maritime Domain Awareness and Cooperative Maritime Security Aid	—	8.1	
Yemen	Cross Border Security and Counterterrorism Aid	5.0	—	31.0
	Yemeni Special Operations Capacity Development (to enhance border security)	—	26.0	
Total Middle East and South Asia		48.5	95.3	143.8
Western Hemisphere				
Dominican Republic, Jamaica, Bahamas, Honduras, and Nicaragua	Caribbean Basin Maritime Security Aid (radios and boats)	—	23.2	23.2
Dominican Republic and Panama	Joint Maritime Counterterrorism Capability Aid	15.5	—	15.5
Mexico	Counterterrorism Capability Aid	—	1.0	1.0
Total Western Hemisphere		15.5	24.2	39.7
Totals		106.4	289.2	395.6

Source: Department of Defense figures made available to CRS as of May 15, 2008.